



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Lansing, Michigan 48909

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Jennifer Warner  
Director

## MEMORANDUM

DATE: May 11, 2016

TO: Probate Judges  
Probate Registers and Clerks  
Court Administrators

FROM: Robin Eagleson, Management Analyst

RE: Confidentiality of Mental Illness Files

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On May 10, 2016, House Bill 4793 was signed into law with immediate effect by the Governor. See [2016 PA 113](#). Under Chapter 4 of the Mental Health Code, an individual who is at least 18 years of age may file a petition with the court asserting that another individual requires mental health treatment.

Under this new law, if the subject of a petition was found *not* to require treatment, the petition and any clinical certificate accompanying the petition must be maintained by the court as a confidential record. This practice prevents disclosure to any person not specifically authorized under Chapter 4 to receive notice of the petition or clinical certificate. The petition and the clinical certificate should be placed in a confidential portion of the mental illness file if the court made a finding that the person did not require treatment.

The remainder of the file remains public unless otherwise required by statute or court rule to be made nonpublic. Cases involving voluntary admissions, deferrals, and discharges do not fall under this provision because no finding is made by the court in these circumstances.

If you have any questions, please contact Robin Eagleson at 517-373-5542 or [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).